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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/576,472	04/20/2006	Tatsuo Matsuoka	289997US2PCT	7211
22850	7590	03/17/2010		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER CHAN, KAWING	
			ART UNIT 2837	PAPER NUMBER
			NOTIFICATION DATE 03/17/2010	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/576,472	<b>Applicant(s)</b> MATSUOKA, TATSUO	
	<b>Examiner</b> Kawing Chan	<b>Art Unit</b> 2837	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2010.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/11/09</u> .  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. The Amendments and Applicant Arguments submitted on 02/28/08 have been received and its contents have been carefully considered. The examiner wishes to thank the Applicant for the response to the Examiner's action and for amending the claims in the appropriate manner.

Claims 15-16 are newly added.

Claims 1-16 are pending for examination.

### ***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on 12/11/09 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by examiner.

### ***Response to Arguments***

3. Applicant's arguments filed 01/28/10 have been fully considered but they are not persuasive.

In response to applicant's argument with respect to claims 1 and 7 that "Kaneko et al does not disclose the presently claimed feature of operating a car at a slower speed during movement of the car from the floor writing start position during an initial setting mode of operation", the examiner disagrees the argument.

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As applicant pointed out in page 8 of the argument, Kaneko in paragraph [0046] discloses "speed that does not race the drive means" implies "speed that does not exceed the normal rated motor speed". Since limitation "low speed" does not clearly define itself in claim 1 (e.g. it does not constrain itself by comparing with any other reference speed), the examiner is giving the broadest reasonable interpretation to the limitation "low speed". In addition, claims 15 and 16 further define the limitation "low speed" as speed which is "equal to or lower than a permissible collision speed", and it appears that the "permissible collision speed" is essentially the same as the rated speed of the elevator since rated speed is the highest permissible speed for the elevator. Therefore, the "low speed" is considered as any speed lower than or equal to the rated speed, and Kaneko appears to disclose the claimed limitation with this interpretation.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-4, 6-10 and 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaneko et al. (US 2002/0175651 A1) in view of Angst (WO

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03/004397) (all the rejections below are based on Angst et al. US 7,117,979 B2, the equivalent translation of Angst WO 03/004397) and Vialonga (US 6,357,553 B1).

**In Re claims 1 and 7**, Kaneko discloses an elevator apparatus and method (Figure 2) comprising:

- an elevator control apparatus having an operation control portion (3) that controls a movement of a car (401), and an actual speed of the car, based on a current operation mode (normal operation) (Paragraph [0023]), and
- wherein when the supervising portion (7) performs an initial setting (initial position setting operation) to set a relationship between a signal from a supervision position sensor (6) and a position of the car in an initial operation mode (i.e. obtain position information between actual position of the car and the position of the car with respect to a fixed point) (Figure 8: 701; Paragraphs [0045, 0046]);
- the operation control portion causes the actual speed of the car to be a low speed (Paragraph [0046]: “speed that does not race the drive means”, which means the “actual speed of the car” is lower than or equal to the rated speed of the car, and it is considered as "low speed" by the examiner) during movement of the car from the floor writing start position (i.e. x0) during operation in the initial operation mode (i.e. initial position setting operation), and
- the operation control portion causes the actual speed of the car to be a high speed greater than the slow speed (since the car is moving slowly in

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initial setting, the speed of the car is faster in normal operation compared to the speed of the car in initial setting).

Kaneko fails to disclose the supervising portion detects abnormalities in the movement of the car, and it also fails to disclose the operation control portion controls the movement of the car to a floor writing start position adjacent an end of the range of movement of the car.

However, with reference to Figure 1A), Angst discloses a supervising portion (24) that detects abnormalities (overspeed) in the movement of the car (Col 4 lines 45-48). Thus, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to have modified the teachings of Kaneko with the teachings of Angst, since it is known in the art to utilize a monitoring device to detect the speed of an elevator so as to be able to apply braking force to the elevator in an overspeed condition.

Kaneko and Angst fail to disclose the operation control portion controls the movement of the car to a floor writing start position adjacent an end of the range of movement of the car.

However, Vialonga discloses the operation control portion controls the movement of the car to a floor writing start position adjacent an end of the range of movement of the car (Col 2 lines 7-45: first mode: requesting the cab moving to any particular landing; and second mode: moving the cab up or down depending the needs). Since Kaneko teaches the initial setting operation starts either at the top or bottom of an elevator shaft (fix point), it would have been obvious to one having ordinary skill in the

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art at the time of the invention was made to have modified the teachings of Kaneko with the teachings of Vialonga so as to be able to move the elevator to any desire fix point for performing operation (e.g. inspection).

**In Re claims 2 and 8**, with reference to Figures 6 and 9, Angst teaches the supervising portion (24.1 & 24.2) outputs a permission signal (when speed below the speed limit value graph) to the operation control portion regarding the actual speed of the car to be controlled by the operation control portion (Col 4 lines 15-26 & Col 7 lines 34-46).

**In Re claims 3 and 9**, Angst discloses a plurality of operation modes of an elevator (i.e. ramping operation, inspection, error mode, etc), and different speed limit value graphs will be produced dependent on the operation mode (Col 2 line 66 to Col 3 line 14 & Col 5 line 47 to Col 6 line 9). Therefore, Angst inherently discloses the operation control portion of the elevator can selectively change the current operation mode between a plurality of operation modes.

**In Re claims 4 and 10**, with reference to Figures 8 and 9, Angst teaches the supervising portion (24) comprises an emergency terminal speed-limiting device (24.2) configured to forcibly decelerate and stop the car when the car approaches a vicinity of a terminal landing at a speed higher (46-48) than a preset speed (29) (Col 7 line 28 to Col 8 line 3).

**In Re claims 6 and 12**, with reference to Figure 9, Angst further discloses a control position sensor (21) and a supervision position sensor (21) connected to the supervising portion (24.2) for detecting a position of the car (8) within a hoistway (Col 8

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lines 14-17). Also, as we have discussed above, Kaneko discloses the relationship between the signal from the position sensor and the position of the car within the hoistway is set in the initial setting performed by the supervision portion (i.e. relationship between the actual position of the car and the position of the car with respect to a fixed point).

**In Re claims 13 and 14**, Angst teaches speed limit value graphs (28) which are stored in the speed monitoring device (24), and the limit values are set to be higher than normal rated speed (27) of the car at each position in the travel way (Figure 3) so that the supervision portion is configured to detect the abnormalities based on the limit values with respect to the position of the car (e.g. overspeed condition). As we have discussed above, Kaneko teaches the relationship set between the supervision position sensor (6) and the position of the car (position with respect to a fix point) in the initial setting (initial position setting operation). When the elevator runs in normal operation, the elevator system determines the position of the car based upon the set relationship and thus determines the abnormalities of the car (e.g. overspeed condition).

Since Angst teaches the speed limit value graphs used to detect abnormalities of the elevator are based on the speed of the car and the car position, it would have been obvious to one having ordinary skill in the art to use data collected from the initial setting (disclosed by Kaneko) to set the speed limit (disclosed by Angst) for the elevator at each position of travel way during normal operation with reasonable expectation of success.



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6. Claims 5, 11, 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaneko et al. (US 2002/0175651 A1) in view of Angst (WO 03/004397) (all the rejections below are based on Angst et al. US 7,117,979 B2, the equivalent translation of Angst WO 03/004397) and Vialonga (US 6,357,553 B1) as applied to claims 1 and 7 above, and further in view of Mueller (US 2004/0079591 A1).

**In Re claims 5 and 11**, Kaneko, Angst and Vialonga have been discussed above, but they fail to disclose the shortened buffer and the control portion causes the car to travel at a speed equal to or lower than a permissible collision speed of the shortened buffer.

However, with reference to Figures 1 and 4, Mueller discloses the use of reduced nominal speed (RG) in the end area of the shaft would enable the installation of a shortened buffer (smaller shaft pit and shaft head) (Paragraph [0011]), and wherein the operation control portion (2) causes the car to travel at a speed equal to or lower than a permissible collision speed of the shortened buffer (with the use of the reduced nominal speed RG at each shaft end) in performing initial setting of the supervising portion (monitored by the safety device) (Paragraph [0073]).

Thus, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to have modified the teachings of Kaneko, Angst and Vialonga with the teachings of Mueller, since it is known in the art to utilize reduced speed limit at the shaft end so that smaller buffers will be needed (Paragraph [0011]).

**In Re claims 15 and 16**, Kaneko discloses the low speed is equal to or lower than a permissible collision speed (Paragraph [0046]: "speed that does not race the

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drive means", which means the speed is lower than or equal to the rated speed, and the rated speed is considered as the permissible speed for the elevator). In addition, Mueller discloses a permissible speed (RG: reduced rated speed of the elevator) with a buffer (Paragraph [0011]) that receives the car in a lower portion within a hoistway.

Since Kaneko discloses the "low speed" is the rated speed of the car, and Muller discloses the use of reduced rated speed with a buffer in an elevator system, it would have been obvious to one skilled in the art to have used the reduced rated speed as the "low speed" in an elevator system includes a buffer that receives the elevator in a lower portion within a hoistway. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention was made.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Coste et al. is further cited to show related teachings in the art.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kawing Chan whose telephone number is (571)270-3909. The examiner can normally be reached on Mon-Fri 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Walter Benson can be reached on 571-272-2227. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/K. C./  
Examiner, Art Unit 2837

/Walter Benson/  
Supervisory Patent Examiner, Art Unit 2837